IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WONDERLAND NURSERYGOODS CO., LTD.,) Civil Action
LID.,) No. 2:13-cv-00387
Plaintiff,) Judge Mark R. Hornak
v.)
THORLEY INDUSTRIES LLC (d/b/a 4MOMS),) Electronically Filed)
Defendant.)

DECLARATION OF BRYAN P. CLARK IN SUPPORT OF THORLEY'S OPPOSITION TO WONDERLAND'S MOTION FOR SUMMARY JUDGMENT OF NO INVALIDITY

- I, Bryan P. Clark, hereby declare as follows:
- 1. I am an attorney with The Webb Law Firm. I am admitted to practice in the Commonwealth of Pennsylvania and I have been admitted to the United States District Court for the Western District of Pennsylvania. The statements made in this declaration are based on my personal knowledge, and if called as a witness I could and would testify competently thereto.
- 2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. RE 43,919 ("the '919 patent").
- 3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 6,859,957 ("the '957 patent").
- 4. Attached as Exhibit C is a true and correct copy of an Oath and Declaration dated August 2, 2006 which was submitted during prosecution of the '919 patent, which I retrieved through the USPTO's PAIR online database.
- 5. Attached as Exhibit D is a true and correct copy of U.S. Patent No. 6,098,217 to Hammil.

Case 2:13-cv-00387-MRH Document 91 Filed 12/03/14 Page 2 of 3

6. Attached as Exhibit E is a true and correct copy of excerpts from the transcript of

the deposition of Daniel F. Cuffaro which occurred on September 22, 2014 in Pittsburgh,

Pennsylvania.

7. Attached as Exhibit F (and filed under seal) is a true and correct copy of the Expert

Report of Jerry Drobinski on Validity which was served on July 31, 2014.

8. Attached as Exhibit G is a true and correct copy of Australian Patent No. 715,883

to Bidwell.

9. Attached as Exhibit H (and filed under seal) is a true and correct copy of excerpts

from the transcript of the deposition of Robert Daley which occurred on May 13, 2014 in

Pittsburgh, Pennsylvania.

10. Attached as Exhibit I is a true and correct copy of excerpts from the transcript of

the deposition of Jerry Drobinski which occurred on September 16, 2014 in Tucson, Arizona.

11. Attached as Exhibit J is a true and correct copy of a Notice of Allowance dated

November 30, 2012 which was issued during prosecution of the '919 patent, which I retrieved

through the USPTO's PAIR online database.

12. Attached as Exhibit K (and filed under seal) is a true and correct copy of excerpts

from the transcript of the deposition of Henry Thorne which occurred on May 13, 2014 in

Pittsburgh, Pennsylvania.

13. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2014 in Pittsburgh, Pennsylvania.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2014, I electronically filed the foregoing **DECLARATION OF BRYAN P. CLARK IN SUPPORT OF THORLEY'S OPPOSITION TO WONDERLAND'S MOTION FOR SUMMARY JUDGMENT OF NO INVALIDITY** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

The un-redacted exhibits have been filed with the Court and served on counsel of record by email.

THE WEBB LAW FIRM

s/ Bryan P. Clark